IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. AM100547)

In re Application of:	)	Appln. No.: 10/066,356
	)	Confirmation No.: 4549
SILVIO IERA *et al.*	)	Customer No.: 25291
	)	Group Art Unit: 1624
Filed: 01/31/2002	)	Examiner: K. Habte, Ph.D.
	)	
For: PREPARATION AND PURIFICATION OF ANTIVIRAL DISULFONIC ACID DISODIUM SALT	)	Paper No.: 5

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO A RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Office communication mailed May 2, 2003 in the above-referenced patent application, please consider the below remarks in a favorable light:

REMARKS

The Examiner requires restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 1-7 and 12-20, drawn to a method of making disulfonic acid of triazine derivatives and its method of purification, classified in class 544, subclasses 191 and 193.2; and

II. Claims 8-11, drawn to a method of making 2-[carbamoylmethyl-(3-nitrobenzenesulfonyl)-amino]acetamide and 2-(3-nitrobenzenesulfonylamino)-acetamide compound (intermediate), classified in class 564, subclasses 86 and 87.

The Examiner has concluded that restriction for examination purposes is proper because these inventions are allegedly related as mutually exclusive species in an intermediate-final product relationship for reasons given on pages 2 and 3 of the Office action.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement. It is submitted that the restriction pursuant to 35 U.S.C. § 121 is unwarranted under the circumstances. There is ample justification to keep all of the pending claims and subject matter in this single application.

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There is unity of invention that can be seen through the basis of the whole invention, namely, the novel method of synthesis of a particular compound, 4',4-bis-{4,6-bis-[3-(bis-carbamoyl-methyl-1-sulfamoyl)-phenylamino]-[1,3,5]triazin-2-ylamino}-biphenyl-2,2'-disulfonic acid, involving specific steps to achieve a significant improvement in purity. The subject matter of Claims 1-20 is straightforward and not complex.

In addition, the Examiner will duplicate efforts searching both Groups I and II separately. The method of Claim 8 in Group II is recited in Claim 1(a) and thus, Claims 8 and 9 will require the same search as that performed for the beginning steps of the method of Claim 1 in Group I.

Claims 10 and 11 of Group II could also be searched and examined at the same time as the entire method of Claim 1 in Group I without placing an undue burden on the Examiner. Claim 10 supplies a central method for making the novel starting material of Claims 1(a) and 8, that is, 2-(3-nitrobenzenesulfonylamino)-acetamide. To perform a thorough search of either Group I or II, the Examiner will need to examine the same art to determine whether this starting compound has been used in any alternative methods in the past. In so doing, the Examiner will be able to conclude at the same time that the starting material recited in Claim 11, its method of synthesis recited in Claim 10 and the new steps of the method recited in Claim 1 are patentable.

Lastly, it is permissible to keep the single compound claim of Claim 11 in the same application as the process claims of Claim 1-10 and 12-20 in which the starting material is being employed. There is no statutory prohibition against these types of claims residing in an issued patent together. The U.S. Patent and Trademark Office often grants patents that contain compound, method and process claims. Thus, Applicants urge the Examiner to withdraw the requirement to restrict this application to a single group.

Consistent with the foregoing remarks and in accordance with the requirement of 37 C.F.R. § 1.143, Applicants provisionally elect with traverse to prosecute the invention of Group I, Claims 1-7 and 12-20, drawn to a method of making disulfonic acid of triazine derivatives and its method of purification. Applicants currently retain the nonelected subject matter to afford the Examiner the opportunity to reconsider the restriction requirement and, thus, for future consideration on the merits. It is to be understood that the provisional election is for procedural purposes only and that Applicants reserve the right to file a divisional application directed to the nonelected subject matter of this invention in the event that the restriction requirement is upheld.

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Favorable treatment is respectfully solicited.

Respectfully submitted,

WYETH

Date: October 2, 2003

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